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DATE: December 4, 2006

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TO:

Richard M. Ross,
Attorney Advisor
Office of PCT Legal Administration

FAX NUMBER:

571-273-0419

COMMENTS:

FROM: Peter K. Sommer	EQUITRAC INIT: PKS2	EXT.: 8345
CLIENT: Moog - US	Client/Matter #: 3001.70001	
RE:	Attorney ID #: 121	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/527,204

Confirmation No. 2268

Applicant: Hubertus Murrenhoff *et al.*

Filed: March 10, 2005

Title: VALVE WITH INCREASED DYNAMIC RESPONSE

TC/A.U.:

Examiner:

Docket No.: MP-226

Cust. No.: 01342

Mail Stop PCT

Attn: Office of PCT Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.181

Sir:

This is a renewed petition under 37 C.F.R. § 1.181 to withdraw the holding of abandonment of the above case on the grounds of non-receipt of an Office communication.

This renewed petition was invited in the "Decision on Petition to Withdraw Holding Of Abandonment" dated November 28, 2006, copy attached. This renewed petition hereby incorporates by reference all of the subsidiary papers previously filed.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on August 16, 2005 was not received by the undersigned or the undersigned's office until on or about August 14, 2006.

A search of the file jacket and docket records at the undersigned's office indicates that the Office communication of August 16, 2005 was not timely received. Attached is a copy of Country Application record for Docket No. 09314 covering all actions in the above case, attesting to the fact no docket entry was made of the requirements of the Office Action of August 16, 2005 or the need

Appl. No. 10/527,204

Renewed Petition dated December 4, 2006

Reply to Decision on Petition to Withdraw Holding of Abandonment dated November 28, 2006

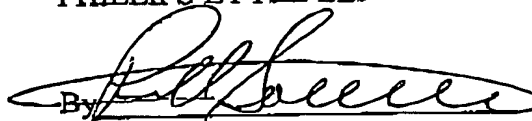
to respond thereto. This record shows all records that have been docketed for this case. Also enclosed is a Due Date List for all matters due between October 15, 2005 and October 18, 2005 (because no docketed matter was due on October 17, 2005). This corroborates the undersigned's statement that the Office Action of August 16, 2005 was not timely received, and was not docketed.

This renewed petition is believed to contain the missing averments needed for such a petition under 37 C.F.R. § 1.181.

Wherefore, applicant's attorney respectfully requests that the renewed petition be granted.

Respectfully submitted,

PHILLIPS LYTLE LLP

By 

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Attorneys for Applicant

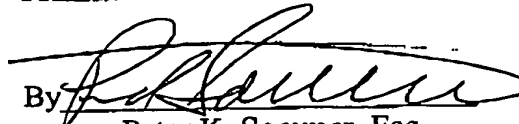
Buffalo, New York

Dated: December 4, 2006

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By 

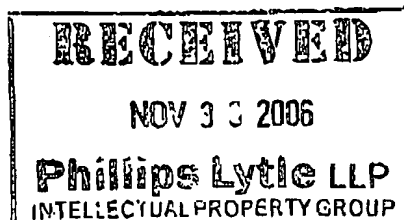
Peter K. Sommer, Esq.
Reg. No. 26,587
Signed: December 4, 2006



28 NOV 2006
UNITED STATES PATENT AND TRADEMARK OFFICE

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 Alexandria, VA 22313-1450
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PHILLIPS LYTLE LLP
 Intellectual Property Group
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In re Application of:
 MURRENHOF, Hubertus, et al.
 U.S. Application No.: 10/527,204.
 PCT No.: PCT/EP2003/008550
 International Filing Date: 01 August 2003
 Priority Date: 11 September 2002
 Atty Docket No.: Moog GmbH - Murrenhoff
 For: VALVE WITH INCREASED
 DYNAMIC RESPONSE

DECISION ON PETITION TO
 WITHDRAW HOLDING OF
 ABANDONMENT
 (37 CFR 1.181)

This decision is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" filed 16 October 2006, treated herein as a petition under 37 CFR 1.181 to withdraw the holding of abandonment based on applicants' purported failure to receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 16 August 2005. No petition fee is required.¹

BACKGROUND

On 01 August 2003, applicants filed international application PCT/EP2003/008550. The international application claimed a priority date of 11 September 2002, and it designated the United States. On 22 April 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 March 2005.

On 10 March 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 01 August 2005, applicants filed a status inquiry with respect to the application.

On 16 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a declaration acceptable under 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

¹ The \$500 petition fee filed with the present petition will be refunded to counsel's Deposit Account.

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On 04 November 2005, applicants filed a second status inquiry.

On 12 May 2006, applicants filed a third status inquiry.

On 08 August 2006, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a response to the Notification Of Missing Requirements mailed 16 August 2005.

On 16 October 2006, applicants filed the "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)" considered herein under 37 CFR 1.181. The petition asserts that applicants did not receive the Notification of Missing Requirements mailed 16 August 2005, and that abandonment of the application for failure to respond to such Notification is therefore improper.

DISCUSSION

Applicants filed the present petition under 37 CFR 1.137(a); however, where an applicant seeks withdrawal of a holding of abandonment based on the failure to receive an Office communication, a petition under 37 CFR 1.137(a) is not required. Rather, a petition under 37 CFR 1.181 is appropriate.

Section 711.03(c)II of the MPEP sets forth the requirements for such a petition, as follows:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact the a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.

The present petition includes the required statement from practitioner Peter K. Sommer that the Notification Of Missing Requirements was not received by applicant. However, the petition does not include the additional required statement from the practitioner that "a search of the file jacket and docket records" confirms that the Notification of Missing Requirements was not received.

With respect to the docket records' requirement, the present petition does not include the required docket records for counsel's firm listing all replies due in the Office on 17 October

Application No. 10/527,204

2005, the date on which a response to the Notification Of Missing Requirements was due (16 October 2005, the actual two-month response deadline, was a Sunday).

Based on the above, applicants have not satisfied the requirements for a petition to confirm the failure to receive an Office communication. Accordingly, on the present record, it cannot be concluded that applicants did not receive the Notification Of Missing Requirements mailed 16 August 2005. Withdrawal of the holding of abandonment is therefore not appropriate at this time.

It is noted that applicants' 16 October 2006 submission included the executed declaration and surcharge payment required by the Notification Of Missing Requirements.

CONCLUSION

Applicants' petition for withdrawal of the holding of abandonment under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the required additional statement from the practitioner's and the proper docket records, as discussed above and in the MPEP.

The \$500 petition fee included with the present submission will be refunded to Deposit Account No. 19-3320.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0419

Country Application

Monday, December 04, 2006 Page: 1

Docket Number: 09314	Country: WO	SubCase:
Client Matter: Moog GmbH	Patent Cooperation Treaty	
Case Type: ORD	Application Status: Published	
Application Number: PCT/EP03/008550	Filing Date: 01-Aug-2003	
Publication Number: WO 2004/033921 A1	Publication Date: 22-Apr-2004	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date :	
Parent Issue Number:	Parent Issue Date :	
Tax Schedule:	Expiration Date:	
Confirmation #:	Patent Term Adjustment: 0	
Owner:		
Agent: GRUNE	Agent Reference #:	
Grunecker, Kinkeldey, Stockmair & Schwanhauser		
App.Title: Highly Dynamic Valve Servocontrol Device (a/k/a "Hochdynamische Servo-Ventilsteuervorrichtung") (MP-226)		

Inventors:

Family Reference:

Murrenhoff, Hubertus
Boes, Christoph

Abstract: The inventive highly dynamic valve servocontrol device (1) comprises a main body (2) provided with a bushing (3) having control edges and arranged therein and a slide valve (4) which is provided with control edges and arranged in the main body. At least one control edge (5) of the slide valve is constructed in such a way that it is slidable with respect to the control edge of the bushing. Taking into consideration that the modern engineering science has a considerable optimisation potential for process control speed, the slide valve (4) and the bushing (3) are embodied such that they are oppositely slidable with respect to each other and to the main body, thereby achieving faster adjusting time. The inventive product is significantly more resistant than existing products.

List Of Actions

Action(s) Due	Due Date	Action Taken
Chapter I Due (Extended)	11-Jan-2005	Due Date
Chapter II Due (Nat'l Filing)	11-Jan-2005	Reminder
Chapter I Due (Extended)	11-Feb-2005	Reminder
Chapter II Due (Nat'l Filing)	11-Feb-2005	Reminder
Chapter I Due (Extended)	11-Mar-2005	Final
Chapter II Due (Nat'l Filing)	11-Mar-2005	Final
Chapter I Due (Extended)	01-Dec-2005	Due Date

Country Application

Monday, December 04, 2006**Page: 2**

Created By: pks2**User ID:** pks2**Date Created:** 03-Mar-2005**Last Update:** 02-Nov-2005

Country Applications

Doc # 09314 **Country** US **Sub Case**

Case Info | **Remarks** | **Assignments** | **Letters** | **Costs** | **Designations/Family** | **Issues/Links** | **Web Links** | **EARS**

Display | **Outstanding Actions** | **Display** | **Outstanding Actions**

9 Actions	Date	Indicate	Action Taken	Verify
Information Disclosure Stmt	10 May 2005	Reminded		(19)
Information Disclosure Stmt	10 Jun 2005	Due Date		(19)
Forward to Prosecution	10 Mar 2006	Due Date		(19)
Application Status Check	10 Sep 2006	Due Date		(19)
2 Mo Due Date	20 Jan 2007	Due Date		(19)
1 Mo Extension	20 Feb 2007	Reminded		(19)
2 Mo Extension	20 Mar 2007	Reminded		(19)

Record 14 of 9

Created By: [Name] | Date Created: 12 Mar 2005 | Last Update: 12 Mar 2005

Go To: **Invention** | **Generate Letters** | **Patent Links**

Record 14 of 5

Monday, December 04, 2006		Due Date List By Date		Page: 1	
Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client Matter	App Number Pat Number	App Date Iss Date Attys
15-Oct-2005	Comp.Dktid: 6 mos before 1st msa	08690 United States of America	Granted Leach & Garner Company	09/636,256 6,463,759	10-Aug-2000 15-Oct-2002 PKS
Title: Jewelry Finding for Producing a Necklace Having a Twisted Appearance					
18-Oct-2005	Tax 3.5 Follow Up Date	08596 United States of America	Granted Clean Air Technologies International, Inc.	09/359,984 6,308,130	23-Jul-1999 23-Oct-2001
Title: Portable On-Board Mass Emissions Measuring System					
18-Oct-2005	EP-Communication Follow Up Date EP-Communication Rule 51(4)	08967 European Patent Convention	Granted Moog Inc.	032 56 303.3 EP 1 411 272 B1	07-Oct-2003 31-Aug-2005 PKS
Title: Force-Limiting Rotary Lock (MD-255)					

Monday, December 04, 2006		Report Selection		Record Count: 3	
<input checked="" type="radio"/> by Due Date <input type="radio"/> by Due Date (Calendar) <input type="radio"/> by Attorney <input type="radio"/> by Attorney (Via Email) <input type="radio"/> by Client Matter		<div>Report Format <input type="radio"/> Concise <input checked="" type="radio"/> Comprehensive</div> <div>Past Reminders <input type="radio"/> Include <input checked="" type="radio"/> Do Not Include</div> <div>Remarks <input type="radio"/> Print <input checked="" type="radio"/> Do Not Print</div>		<div>Preview before printing <input checked="" type="checkbox"/></div> <div>Inventors <input type="radio"/> Print <input checked="" type="radio"/> Do Not Print</div>	
From Date: 15-Oct-2005		To Date: 18-Oct-2005		Case Type(s):	
Action Type:		Status Codes: <input checked="" type="radio"/> Active <input type="radio"/> Inactive <input type="radio"/> All			
Action Due:					
Indicator:					
Client Matter:					
Country:					
Area:				Attorney:	